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Crl.O.P.No.8273 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.8273 of 2023

Manikandan @ Gundumani

... Petitioner

Vs.

State by
The Inspector of Police,
T-16 Semmancherry Police Station,
Chennai.

(Crime No.83 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.83 of 2023 on the file of
the respondent pending investigation.

For Petitioner : Mr.B.Shankar

For Respondent : Mr.C.E.Pratap
Government Advocate(Crl.side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.02.2023, for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act in Crime No.83 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in possession of 1Kg 200 Grams of Ganja. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner had not appeared before the Court below regularly in other cases, a false case has been registered and he is in judicial custody from 24.02.2023. However, on instructions, the learned counsel further submits that the petitioner, on his own volition, is ready and willing to contribute some amount to any Charitable Purpose as may be directed by this Court. Therefore, he prays for grant of bail to the petitioner.

4. The respondent Police has also filed a detailed counter.



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5. Learned Government Advocate (Crl.side) appearing for the respondent submitted that the petitioner was found in possession of 1 kg 200 Grams of Ganja. Hence, he would object for grant of bail to the petitioner.

6. At this juncture, the learned counsel for the petitioner submitted that the petitioner, without prejudice to his defense and contention, is ready and willing to deposit an amount of Rs.5,000/- to any welfare scheme run by the Government. Hence, he prays for grant of bail to the petitioner.

7. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

7. On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of "The Dean, Rajiv Gandhi Government General Hospital, Chennai", without prejudice to his rights and contentions before the trial Court.



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8. Merely, because the petitioner has deposited the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

9. Taking into consideration the facts and circumstances of the case, the submissions made by either side of the parties and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.5,000/- to the credit of the "The Dean, Rajiv Gandhi Government General Hospital, Chennai", this Court is inclined to grant bail to the petitioner with certain conditions.

10. Accordingly, the petitioner is ordered to be released on bail on condition to make a non-refundable deposit of Rs.5,000/- (Rupees Five Thousand only) **by way of Demand Draft/RTGS/NEFT to the credit of "The Dean, Rajiv Gandhi Government General Hospital, Chennai, bearing A/c. No.10273425961, State Bank of India, Park Town (Chennai), 68, Evening Bazaar Road, Chennai, IFSC:SBIN0001856"**, without prejudice to his rights and contentions before the trial Court, on such



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deposit and production of proof, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Alandur**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent Police everyday at 6.30 p.m. until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the



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petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];***

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.2.

17.04.2023

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To

- 1.The Judicial Magistrate II,
Alandur.
- 2.The Inspector of Police,
T-16 Semmancherry Police Station,
Chennai.
- 3.The Central Prison,
Puzhal.
- 4.The Public Prosecutor,
High Court of Madras.

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